

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

MANETIRONY CLERVRAIN,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:20-CV-78
(GROH)**

HERBERT C. HOOVER ET AL.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 14] on October 23, 2020. Therein, Magistrate Judge Trumble recommends that the Plaintiff’s Complaint [ECF No. 1] be dismissed without prejudice, and the Plaintiff’s pending Motions for “marshal service against unreasonable restrictions as by the National Educative Treaties Technology Act (‘NETTA’)” [ECF No. 9] and for “performance within reason(s) and evidence by invoking the ANT’s Fear Liability Act (‘TAFLA’)” [ECF No. 10] be terminated as moot. ECF No. 14 at 6.

Pursuant to 28 U.S.C. § 636, a party may object to the magistrate judge’s findings and recommendations by timely filing written objections. 28 U.S.C. § 636(b)(1)(C). Under this Court’s Local Rules of Prisoner Litigation Procedure, the written objections must identify each portion of the magistrate judge’s recommended disposition that is

being challenged and must specify the basis for each objection. LR PL P 12(b). The Court will then conduct a de novo review of “those portions of the report . . . to which objection is made[,]” and “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. 636(b)(1)(C); see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (stating that the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made).

However, the Court is not required to review objections to the magistrate judge’s R&R that are not made with “sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007). Thus, “[w]hen a party does make objections, but the[] objections are so general or conclusory that they fail to direct the district court to any specific error by the magistrate judge,” the party waives his right to de novo review. Green v. Rubenstein, 644 F. Supp. 2d 723, 730 (S.D. W. Va. 2009). Objections that do not call the Court’s attention to “any specific error by the magistrate judge” are vague and conclusory, and do not merit review by the Court. Id.

On December 15, 2020, the Plaintiff filed a motion [ECF No. 19] “for opposition or release pending appeal, and intervention by the agencies against Mass Deportation Prohibition Act (‘MDPA’),” which the Court will liberally construe as his objections to the R&R.¹ The Plaintiff’s objections, however, are incomprehensible and do not specifically


¹ Objections to Magistrate Judge Trumble’s R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The *pro se* Plaintiff accepted service on October 23, 2020. ECF No. 14. On November 24, 2020, the Court granted the Plaintiff an extension and directed him to file his objections to the R&R on or before December 8, 2020. ECF No. 17. For the purposes of this Order, the Court finds that the Plaintiff timely filed his objections.

challenge any portion of the R&R as required by 28 U.S.C. § 636(b)(1) and LR PL P 12(b).² Because the Plaintiff presents no specific objections, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 14] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**. Additionally, the Plaintiff's pending motions [ECF Nos. 9, 10, 19 & 20] are **TERMINATED** as **MOOT**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: February 2, 2021



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE

² The Court notes that the Plaintiff did not cite to the R&R at any point in his objections, nor does he address any of Magistrate Judge Trumble's findings or recommendations.